

**UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK**

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BARBARA ELIAAS, JORGE VELASQUEZ,  
SULTAN AHMED, SHAHAB CHOWDHURY,  
MANG WING WONG, DAVID RIVAS,  
EDGAR MONTES, GABRIEL PUCHA,  
JULIO RODRIGUEZ, PORFIRIO SUAREZ,  
ZAKIR HOSSAIN, CARLOS CRUZ,  
ERIK MEDINA, FABIO LOZANO,  
JHONNY NAVARRA, and JULIO PINA,  
*on behalf of themselves, FLSA Collective Plaintiffs, and  
the Class,*

Plaintiffs,

Case No.: 20-cv-03117

-against-

THE DINEX GROUP, LLC, 44TH STREET RESTAURANT,  
LLC, d/b/a DB BISTRO MODERNE, BOWERY  
RESTAURANT, LLC d/b/a DBGB KITCHEN AND BAR,  
58TH STREET CAFÉ, LLC, d/b/a EPICERIE BOULUD, 64  
WEST RESTAURANT, LLC, d/b/a BAR BOULUD, 65TH  
STREET RESTAURANT, LLC, d/b/a DANIEL d/b/a THE  
BAR AT DANIEL, 76TH STREET RESTAURANT, LLC,  
d/b/a CAFÉ BOULUD d/b/a BAR PLEIADES,  
GREENWICH STREET CAFÉ, LLC d/b/a EPICERIE  
BOULUD and DANIEL BOULUD

Defendants.

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**NOTICE OF PLAINTIFFS' MOTION FOR AN ORDER**  
**(1) CONDITIONALLY CERTIFYING SETTLEMENT CLASS AND COLLECTIVE**  
**ACTION, (2) GRANTING PRELIMINARY APPROVAL TO PROPOSED CLASS**  
**ACTION SETTLEMENT AND PLAN OF ALLOCATION, (3) DIRECTING**  
**DISSEMINATION OF NOTICE AND RELATED MATERIAL TO THE CLASS, AND**  
**(4) SETTING DATE FOR FAIRNESS HEARING AND RELATED DATES**

For the reasons set forth in the Memorandum of Law in Support of Plaintiffs' Motion for an Order (1) Conditionally Certifying Settlement Class and Collective Action, (2) Granting Preliminary Approval to Proposed Class Action Settlement and Plan of Allocation, (3) Directing Dissemination of Notice and Related Material to the Class, (4) Setting Date for Fairness Hearing and Related Dates ("Motion for Preliminary Approval"), and the Declaration of C.K. Lee in

Support of Plaintiffs' Motion for Preliminary Approval ("Lee Declaration"), Plaintiffs respectfully request that the Court enter an Order:

- (1) granting preliminary approval of the Settlement Agreement and Release ("Settlement Agreement"), **Exhibit A** to the Declaration of C.K. Lee ("Lee Decl.");
- (2) certifying the proposed class for settlement purposes;
- (3) appointing Lee Litigation Group, PLLC ("Lee Litigation Group") ("Plaintiffs' Counsel") as Class Counsel;
- (4) appointing Rust Consulting, a mutually agreed-upon third party administrator, as Claims Administrator;
- (5) approving the proposed Notice of Class Action Settlement, **Exhibit A** to Settlement Agreement; and
- (6) granting such other, further, or different relief as the Court deems just and proper.

\* \* \*

Plaintiffs have contemporaneously submitted a Proposed Order, attached as **Exhibit B** to the Lee Decl., for the Court's convenience.

Dated: March 29, 2021  
New York, New York

Respectfully submitted,

By: /s/ C.K. Lee  
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C.K. Lee (CL 4086)  
Anne Seelig (AS 3976)  
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*Attorneys for Plaintiffs, FLSA Collective Plaintiffs  
and the Class*